✓ Preserve

App. F. IX-4

Previous References 1934. (Mysore

File No. 109-3

Serial Nos. ~~8-9~~ 4, 6-9

Later References.
Dy Secs-35 dated 30-3-35

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5

Part B for March 35

SUBJECT.

Recovery of arrears of gutta amount of Rs 173-1-0 in Addur village

To The Mysore Commr
" Commr Bellary
" Dy Commr Mysore

WD 01965—GPB—15,000—7-7-34

Secs Lr No 6-8 dt 30-3-35

Sanctioning the recovery of ½ the loss to the Govt from the local officers responsible

THE MYSORE LEGISLATIVE COUNCIL,

December Session, 1934.

GENL & RE / SECTT BRANCH
605
29 NOV 1934

Mr. M. C. LINGE GOWDA.

Q. 48. Will the Government be pleased to state:

(a) whether they are aware that one Chikka alias Shantha, native of Deshahalli, Maddur Taluk, was in possession of Maddur Sri Narasimhaswami temple land, viz., survey No. 173 of Maddur village, Maddur Taluk;

(b) is it not a fact that the temple authorities (Muzrai Department) sued the said Chikka for possession and mesne profits of the said land and obtained a decree in the Mysore Chief Court for Rs. 1,575/- as crop compensation and Rs.250/- as cost;

(c) when this decree was intimated to the local Revenue authorities; how much money has been recovered by the defendant till now;

(d) what are the different dates of recovery of the amount;

(e) what steps are being taken to recover the balance by different officers who happened to deal with this file in the Revenue Department?

Subject will be placed before the House for a draft reply

30/11

30/11

TYPING SECTION
30 NOV. 1934
GENL & LEGITT

General and Revenue Secretariat | File No. of 193 .

Serial No.

3/ The L.C. office has issued a Memo on the 13th inst to the effect that such of the Resolutions and Interpellations proposed to be moved in the L.C (December) 1934 as are not found in the printed programme of Business of the L.C. session put up herewith, should be treated as disallowed The present question No 48 for which the M.C has asked to send draft replies, is not to be found in the said Programme. As such this will be filed as requiring no further action if approved

Pot 1/12/34

As the question has been disallowed no further action is necessary.

(Chief Secy) 1/12/34

RB 5/12/34.

CHIEF SECRETARY
1 DEC. 1934

Draft Replies received from the M.C is also placed in the file

Pot 1/12/34

WD 01955—GPB—22,500—12-6-34

File No. of 193 .

General and Revenue Secretariat

Serial No.

Letter No [illegible]

Requests [illegible]

The facts of the case are fully set forth in D. C's Note dated the 13th March 1934. The total arrears due in respect of S. No 173 of Kodelur Village from the lessee Shanta bai Rs 1572 for the period from 1922-23 to 1928-29 on account of the delay in taking prompt action on the part of the Taluk Office from 5th Nov 1928 to 30th April 1931 the lessee Shanta is stated to have taken advantage of the position and to have first hypothecated his private properties on 6. 3. 1929 and to have finally sold the same on 16th May 1932 to a private party with the result that the arrears of rent became irrecoverable as he owned no other properties

2/ The explanation of the Manager

Note–Contn Sheet

clerk connected with the matter is to the effect that though he brought the matter to the notice of the Amildar, orders were not passed by him till 5th December 1930 to issue notice to the lessee Shanta and that the Amildar recalled the record for inspection of the village.

3) In his explanation Mr. B. Lakshmanrao (now Amildar of Kishnarajanagara Taluk) who was the Amildar of the Taluk at the time has stated "that the Huzurkhi clerk has wilfully delayed the matter and never submitted the records nor brought the arrears on demand in accounts which at least would have facilitated the Tahsildar to be watched as he had always a Huzurkhi baki patti personally with him and that under the circumstances he may be excused."

4) The explanations of both the Amildar and the Huzurkhi clerk the D.C. considers to be not satisfactory and he is of the opinion that both of them should be made to pay at least half of the amount of Rs 1479 still due, in the proportion of 2 to 1.

5) The M.C. agrees with the D.C. Myore and recommends

Total due Rs 1572
Realised = 93
Net due Rs 1479.

Revolving fund

General and Revenue Secretariat | | | File No. | of 193 | [App. F. III–2

Serial No.

point for orders

Sanction to recover Rs 1193-
from Mr B Lakshmanarao and
Rs 246-80 from the Munsif clerk

It is also observed by the D.C.
and the M.C. that this is a typical
instance of the inordinate delay and
negligence on the part of some of the Taluk
officers in the recovery of the arrears &
quite amount due to Municipal Institutions.

In this connection it is stated
that against Rs 1479 to be realised a
total sum of Rs 739-80 is recommended
to be realised from the Amildar and
the Munsif clerk. This leaves still
Rs 739-80 to be realised and the M.C
has not made any specific recom-
mendation to write off this amount
in the accounts. Presumably the M.C
means the other half to be written off.
This point is for consideration.

point for orders

5/3/35 - SI The explanations of the Amildar Mr. B. Lakshmana Rao and the Munsif clerk R. Narasimhachar are, both of them unsatisfactory & unconvincing. The recommendation of the D.C. agreed to by the M.C. to recover Rs 493/- from Mr. Lakshmana Rao & Rs 246/8/-

Note–Contn Sheet

Resolving allowing grant of Rs 1731/- to Madhumalaya

File No. of 193 General and Revenue Secretariat

from the Bengali club may, in the circs explained, be approved.

5/3/35

9 RR 6/3/35

6/3

(Ch. Secy)

II member, 1st member Dewan

10 This is a fairly serious case of negligence & the act in proposed is justified in the circumstances.

8/3

RR 10/3.

11 6/11/3

12 MD 12-3-35 14/3

13/ A draft G.O. is enclosed.

14/3

16

18/3

No. 2259
OFFICE OF THE SECOND MEMBER OF COUNCIL 7 MAR 1935 No. 5669
OFFICE OF THE FIRST MEMBER OF COUNCIL 11 MAR. 1935 No. 6522
18 MAR. 1935 REVENUE

General and Revenue Secretariat

File No. of 193

[App. F. III–2

Serial No.

Note–Contn Sheet

File No. of 193

General and Revenue Secretariat

Appendix F G—1]

SUBJECT .....

.....

.....

Section Mcy

File No. 109 – 34

Serial No. 6

Diary No. of letter replied to .....

No. 811 Gen Q.

To The M.C in Mysore

Sir,

I am directed to forward herewith the accompanying questions proposed to be put at the ensuing session of the Legislative Council (Dec 1934) regarding possession and measurements in respect of S-No 173 of Muradur village, Muradur Tk, and to request you to be so good as to furnish a draft reply thereto, on a date not later than 5th Dec 1934 with a view to the ~~information~~ ~~if~~ available to enable ~~supplementary~~ questions if any being answered.

20/11

General and Revenue Secretariat

( )

the 193 .

Date of issue 30/11/34

Signed by M. B. Muddukrishnappa

List of enclosures.....

Copied by .....

Examined by.....

WD 0253—GPB—15,000—26-8-32

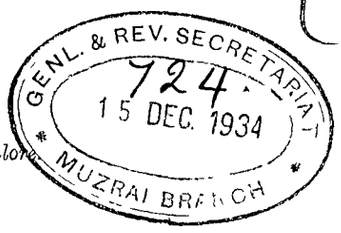
P2 Dis 617 36-35 Mag Cy 34 7

Exc: 750

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 14th December 193 4

75

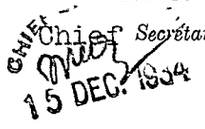


FROM

N. MADHAVA RAU, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

To

Rajasevasakta
R. Ranga Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of His Highness
the Maharaja of Mysore,
.....Bangalore..... ~~Department~~



SIR,

Recovering possession and mesne profits in respect of S.No.176 of Maddur.

With reference to your letter No.811/Muz.109-34-6 dated 30th November 1934, I have the honor to forward herewith a draft reply re: the above with a copy of the note of 13th March 1934 furnished by the Deputy Commissioner, Mysore District. In this connection reference is invited to the following orders and letters of Government.

(1) G.O.No.6519-20/Muz.F.270-20-7 dated 19-5-1922.
(2) G.O.No.2046-52/Muz.20-22 dated 15-1-1923.
(3) Revenue Secretary's letter No.251/Muz.476-19 dated 10-8-1926.

I have the honor to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

question [illegible]

Whether the [illegible]
that one [illegible],
native of Iowa [illegible], [illegible],
was at present [illegible]
"Marquis Washington [illegible],
" also of "Lower Village," [illegible]
fulun.

Is it not a fact [illegible]
authorities "Marquis Washington"
sued the said [illegible]
sion [illegible]
land [illegible]
Wyoming [illegible]
of [illegible]
on [illegible].

[illegible]

[illegible]

(1) [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

No.M.337/33

Office of the Deputy Commissioner,
Mysore District,
Dated Mysore 15th March 1934.

M E M O.

S.No.173 of Maadur belonging to Sri Lakshmi Narasimhaswami temple at the place was being cultivated by Shanta alias Chinka paying an annual rental of Rs.225/- to the temple. During the year 1922 he set up his claim of permanent tenancy over the land. The Deputy Commissioner resumed the management of the land to Government. Shanta filed a civil suit for a declaration that the order of resumption was inoperative and illegal. The District Judge decreed the suit in favour of the plaintiff but the Government having appealed to the Chief Court, the latter upset the judgment and decree of the District Court and dismissed Shanta's claim with costs throughout.

2. The Sub Division Officer, Mandya, was thereon instructed to take possession of the land and also to take action for the recovery of rental due from 1922. (Vide Memo No.A.185/28 dated 5-11-1928.) The connected file of vernacular records was also obtained from the Government Advocate and sent back to the Sub Division Officer on 22nd May 1929. The record was delayed in the Taluk Office till 30th April 1931 when action was taken to sell the moveables of the lessee Shanta, and a sum of R 3/- only was realised from the sale, as against R 1572/- due from the lessee for the period from 1922-23 to 1928-29. In the meanwhile the lessee Shanta hypothecated his private properties in favour of one Kempegowda for a loan of R 300/- and executed a registered document on 6-6-1929. Subsequently Shanta sold the lands to Kempegowda and executed a registered document on 16-5-1932 in favour of Kempegowda in satisfaction of the loan amount.

Desahalli Survey Nos. 95, 99/2, 99/3, 54, 60 and one house Khate No.118

3. On 24th January 1933 the Sub Division Officer, Manaya, sold the right title and interest on the lands of Shanta at a public auction. A sum of R 90/- was realised on four Survey Numbers and no bid was offered on the other two lands. The Sub Division Officer reported on 7th June 1933 that a sum of R. 93/- was realised at the sales and there remained a balance of R 1482/- still due from the lessee that he would enquire into the cause od delay in taking action, that he would sell again the right title and interest on the other two lands, and that in the meanwhile the sale held by him might be confirmed and the records returned.

4. As the matter required serious consideration, the Sub Division Of-

Officer was asked to report as to who were all responsible for the delay in taking action as the lessee took advantage of the same and alienated his properties.

5. From the responsibility sheet furnished by the Sub Division Officer it is seen that the records were delayed in the Taluk Office from 28th May 1929 to 30-4-31. The Muzrai Clerk has furnished his explanation stating that though he brought the matter to the notice of the Amildar, orders were not passed by him till 5-12-1930 and to issue notice to the lessee Shanta, and that the Amildar has reserved this record for inspection of the village.

6. The Sub Division Officer reports that the sale already held by his predecessor may be confirmed as the parties urge for the same.

7. There is no doubt that the lands were first hypothecated to Kempegowda on 6-2-1929 and subsequently sold to him on 16-5-1932 by Shanta. (after he was aware of the decision in appeal before the Chief Court with a view to defraud arrears of rent from 1922-23 to 1 28-29 due by him ~~xx~~ to the temple. Even by the re-sale of the right, title and interest of his other two lands, the realisation to be made will not be much. Kempegowda has put in an objection petition to the Sub Division Officer on the ground that he is prior mortgagee. Though he was present at the time of sale held by the Sub Division Officer on 24th January 1933, he did not bid, or sign the Haraz Patti though he was asked to do so.

ORDER.

Confirm sale. Who is the Amildar responsible for the delay and what has he to say?

- Sd.- C. S. Kuppuswamiengar,
Deputy Commissioner,
Mysore District.

13th March 1933

"COPY"

Remarks

For Muzrai Commissioner.

M C 13.]

No. 826/34-35

Mwz/109-34-8

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

Dated, Bangalore, ...6th February.....1935.

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Rajasevasakta
R. Ranga Rao, Esq., B.A., B.L.,
Chief *Secretary to the Government of His Highness*
the Maharaja of Mysore,
Bangalore.

SIR,

Arrears of gutta in respect of S.No.173 belonging to the Sri Narasimhaswami Temple at Maddur.

Referring to this office letter No.D2 Dis.617/34-35 dated 9th December 1934 furnishing replies to Question No.48 of the Legislative Council held during the month of December 1934, I have the honor to forward herewith a copy of letter No.H.827/33 dated 31st December '34 received from the Deputy Commissioner, Mysore District, re. the above and opining that the Amildar, Mr. B. Lakshmana Rao and the Muzrai Clerk, R. Narasimhachar should be made to pay at least a half of the total arrears of Rs 1479/- in the proportion of 2 to 1 which is irrecoverable and observing that this is a typical instance of the inordinate delay and neglect on the part of some of the taluk officers in the recovery of arrears of gutta or rent due to Muzrai Institutions and that the explanation of the Amildar only shows that he had not a proper grip over his office.

2. I agree with the Deputy Commissioner and recommend that the Deputy Commissioner's proposal to recover a sum of Rs 493/- from the Amildar Mr. B. Lakshmana Rao and Rs 246-8-0 from the clerk may be approved.

3. The file of vernacular papers containing the explanations is sent for reference.

I have the honor to be,
Sir,
Your most obedient servant,

N. Madhava Rao
Muzrai Commissioner.

Letter No.827/33 dated 31-12-34 from the Deputy Commissioner, Mysore Dis- to the Muzrai Commissioner in Mysore.

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ears of gutta - S.No.173 - belonging to Sri Lakshminarasimhaswami temple, Maddur.

In continuation of this office letter No.M.327/33 dated 9th December 1934 submitting a copy of the office note and the orders passed by me in the matter of the delay in taking action for the recovery of the arrears of gutta to the extent of 1572/- due to the above temple from Shanta alias Chicka, I have the honor to submit herewith the connected file of vernacular records together with the explanation of Mr. B. Lakshmana Rao (present Amildar, Krishnarajanagara Taluk) who was then in charge of Mandya taluk. It is seen from the above records that on account of the delay in taking prompt action on the part of the Taluk Office from 5-11-1928 to 30-4-1931, the lessee Shanta took advantage of the position and first hypothecated his private properties on 6-3-29 and finally sold the same on 16-5-1932 to a private party with the result that the arrears of gutta became irrecoverable as he owned no other properties.

2. This is a typical instance of the inordinate delay and neglect on the part of some of the taluk offices in the recovery of arrears of gutta ~~on~~ or rent due to Muzrai institutions. In his explanation, Mr. Lakshman Rao has stated that the Muzrai clerk has wilfully delayed the matter and never submitted the records nor brought the arrears on demand in accounts which at least would have facilitated the recovery to be watched as he had always a Muzrai bakipatti personally with him, and that under the circumstances he may be excused.

3. His explanation is not satisfactory. He and the Muzrai clerk are both responsible for the heavy loss sustained by the institutions. The Amildar cannot escape his responsibility. His explanation only shows that he had not a proper grip over his office. The clerk has failed in his duty, whether wantonly or otherwise, in not submitting the records to the Amildar in time and obtaining his orders for taking further action.

4. As against the arrears of Rs 1572/- a sum of 93/- only has been realised by the sale of the moveables and the right title and interest on the lands of the lessee and the balance is irrecoverable.

5. Considering the circumstances of the case, I am of opinion that the Amildar and the Muzrai clerk should be made to pay at least a half of the amount in the proportion of 2 to 1.

"COPY"

For Muzrai Commissioner.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:—

Correspondence ending with letter No. 826/34-35 dated the 7th February 1935 from the Muzrai Commissioner in Mysore stating that in the matter of the recovery of irrecoverable arrears of gutta amount of Rs. 1479/- in respect of Survey No. 173 belonging to the Sri Narasimhaswami Temple at Maddur for the period from 1922-23 to 1928-29 Mr. B. Lakshmana Rao who was then the Amildar of Mandya Taluk and R. Narasimhachar, Muzrai Clerk of the Taluk Office are both responsible for the heavy loss sustained by the Institution, that the explanations offered by them for their negligence and inordinate delay in recovering the said arrears are not satisfactory, that the Deputy Commissioner, Mysore District is of opinion that both of them should be made to pay at least a half of the total arrears of Rs. 1479/- in the proportion of 2 : 1 as it is irrecoverable and recommending that the proposal of the Deputy Commissioner to recover a sum of Rs. 493/- from the Amildar Mr. B. Lakshmana Rao and Rs. 246-8-0 from the Muzrai Clerk R. Narasimhachar may be approved.

Order No. 1256-8/Muz 109-34-9

Dated, Bangalore, 18th March 1935.

30th

Government consider that this is a serious case of negligence and approve of the recommendation of the Muzrai Commissioner.

for Chief Secretary to Government.

To

The Muzrai Commissioner in Mysore, with records,
The Comptroller to Government,
The Deputy Commissioner, Mysore District,

P.H.

G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary No. of letter replied to .....

Section Mwz

File No. 109-34

Serial No. 9

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 30-3-1935

Signed by Mr B Muddukrishnappa.

Read— Correspondence ending with letter No 826/34-35 dated the 7. 2. 1935 from the M. C. & M. Mysore stating that in the matter of the recovery of arrears of quit rent amounting to Rs 1479 in respect of S. No 173 belonging to the Sri Varasimhaswami Temple at Maradur for the period from 1922-23 to 1928-29 ~~Head Clerk~~ the Amildar, Mr B. who was then the Amildar of Maradur & Lakshmanarao, ~~the Manager~~ ~~clerk~~ R. Narasimhachar Clerk of the Sriniv[illegible] Temple be held responsible for the heavy loss sustained by the

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

Jurisdiction, that the explanations
offered by them for their negligence and
inordinate delay in prosecuting the said arrears
are not satisfactory, that the D.C. Elysore &
Cuddapah is of opinion that 1 or 2 of them
should be made to pay at least half
of the total arrears of Rs 1479 in the
proportion of 2:1 ~~which is~~ otherwise irrecoverable
and recommending that the proposal
of the D.C to recover a sum of Rs 493
from the Amildar Mr B. Lakshmanarao
and Rs 246-8-0 from the Nemgapi clerk
R. Narasimhacharlu
& may be sanctioned.

1256-8 Ltr 141 file 6/RC

Govt consider that this is a serious case of negligence and
approve of the recommendation of the H.C.

~~is sanctioned.~~

List of Enclosure

2/10/35

To Chief Secy to Govt

The H.C bills returned *Copied by*

Compared *Examined by*

D.C. Elysore --

Copy to Rev. Branch. Secl a 30-3-35